

**IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF ILLINOIS  
EASTERN DIVISION**

PHILOS TECHNOLOGIES, INC.,	)	
	)	
Plaintiff,	)	
	)	
vs.	)	Case No. 1:08-cv-07240
	)	Honorable William J. Hibbler
PHILOS & D, INC., DON-HEE PARK, and	)	
JAE-HEE PARK	)	
	)	
Defendants.	)	
	)	
	)	

**DEFENDANTS' RENEWED MOTION TO VACATE THE DEFAULT JUDGMENT  
AND TO DISMISS THE COMPLAINT FOR LACK OF PERSONAL JURISDICTION**

Defendants Philos & D, Inc., Don-Hee Park and Jae-Hee Park (“Defendants”) respectfully request that this Court vacate the default judgment entered against Defendants pursuant to Federal Rule of Civil Procedure 60(b)(4), and dismiss Plaintiff Philos Technologies, Inc.’s complaint pursuant to Federal Rule of Civil Procedure 12(b)(2). For the reasons set forth in Defendants’ accompanying Memorandum of Law in Support of Their Renewed Motion to Vacate the Default Judgment and Dismiss the Complaint for Lack of Personal Jurisdiction, filed simultaneously with this motion, Defendants seek to have this Court’s June 30, 2009 and July 21, 2009 Orders for a default judgment and damages against Defendants vacated and the complaint dismissed because this Court lacks personal jurisdiction over Defendants.

1. The default judgment was levied against defendants over whom this Court does not have personal jurisdiction. Defendant Philos & D is a South Korean corporation with no employees, no offices and no property in Illinois. Further, Philos & D has never entered into a contract with the Plaintiff. All of its dealings were with the South Korean company PLS Tech Korea, Ltd.

2. Defendants Don-Hee and Jae-Hee Park are residents of South Korea who have never transacted business in Illinois.

3. Because Defendants do not possess the contacts necessary for this Court to exercise personal jurisdiction over them, the default judgment awarded against them should be vacated and Plaintiff's complaint should be dismissed.

For these reasons, and those stated in its accompanying Memorandum of Law, Defendants respectfully request this Court grant their Motion to Vacate the Default Judgment and Dismiss the Complaint for Lack of Personal Jurisdiction, including the following specific relief: (i) an order vacating this Court's June 30, 2009 Order granting Plaintiff a Default judgment against Defendants; (ii) an order vacating this Court's July 21, 2009 Order granting Plaintiff compensatory and punitive damages; and (iii) an order dismissing Plaintiff's complaint for lack of personal jurisdiction.

Respectfully submitted,

/s/ John Moss

Andrew M. Johnstone ([ajohnstone@winston.com](mailto:ajohnstone@winston.com))  
Winston & Strawn LLP  
35 West Wacker Drive  
Chicago, Illinois, 60601  
(312) 558-5600

John W. Moss ([jmoss@winston.com](mailto:jmoss@winston.com))  
Winston & Strawn LLP  
1700 K Street N.W.  
Washington, DC 20006-3817  
(202) 282-5000

**CERTIFICATE OF SERVICE**

The undersigned attorney states that he caused a true and correct copy of foregoing to be filed with the Clerk of the Court, and further caused the same document to be served on counsel for Plaintiff by hand-delivery on this 31st day of October, 2011.

Thomas A. Vickers  
Jeffrey R. Moran  
VANEK, VICKERS & MASINI, P.C.  
111 South Wacker Drive, Suite 4050  
Chicago, Illinois 60601

David Lesht  
Panasarn Aim Jirut  
THE LAW OFFICES OF EUGENE M. CUMMINGS, P.C.  
One North Wacker Drive, Suite 4130  
Chicago, Illinois 60606

/s/ John Moss